

REMARKS

At the outset, Applicant thanks the Examiner for the thorough review and consideration of the subject application. The Office Action of March 17, 2004 has been received and its contents carefully reviewed.

In the Office Action of March 17, 2004, the Examiner rejected claims 1, 7, 9, and 10 under 35 U.S.C. §102(b) as being anticipated by Chough (U.S. Pat. No. 3,767,491); rejected claims 1 and 8 under 35 U.S.C. §102(b) as being anticipated by Wessells et al. (U.S. Patent No. 3,661,660); rejected claims 2-4, 6, 11, 14-17, 19, and 20 under 35 U.S.C. § 103(a) as being unpatentable over Chough in view of Schnegg et al. (U.S. Patent No. 4,971,654); rejected claims 11 and 18 under 35 U.S.C. § 103(a) as being unpatentable over Wessells et al. in view of Schnegg et al.; and rejected claims 5, 11-13, and 21 under 35 U.S.C. § 103(a) as being unpatentable over either Wessells et al. or Chough in view of Kanda (U.S. Patent No. 4,338,157).

Preliminarily, Applicant notes that, while the Examiner rejected claims 1-21 in the present Office Action, the Preliminary Amendment filed on October 22, 2003 canceled 8, 9, 18, and 19. Moreover, the aforementioned Preliminary Amendment also amended claims 1 and 11 to include subject matter not acknowledged in by the Examiner in the rejections of the present Office Action. By the present amendment, Applicant hereby amends claims 1 and 11 as presented in light of the aforementioned Preliminary Amendment. Additionally, Applicant hereby amends the specification and claims 12 and 21. Accordingly, claims 1-7, 10-17, 20, and 21 are now pending within the present application.

The rejection of claims 1, 7, 9, and 10 under 35 U.S.C. §102(b) as being anticipated by Chough is respectfully traversed and reconsideration is respectfully requested.

Claim 1 is patentable over Chough in that claim 1 recites a combination of elements including, for example, “an etching bath containing an etchant... and an indicator displaying a temperature of the etching bath.” Chough fails to teach, either expressly or inherently, at least

these features of the claimed invention. Accordingly, Applicant respectfully submits that claims 7, and 10, which depend from claim 1 are also patentable over Chough.

The rejection of claims 1 and 8 under 35 U.S.C. §102(b) as being anticipated by Wessells et al. is respectfully traversed and reconsideration is respectfully requested.

Claim 1 is patentable over Wessells et al. in that claim 1 recites a combination of elements including, for example, “an etching bath containing an etchant... and an indicator displaying a temperature of the etching bath.” Wessells et al. fails to teach, either expressly or inherently, at least these features of the claimed invention.

The rejection of claims 2-4, 6, 11, 14-17, 19, and 20 under 35 U.S.C. § 103(a) as being unpatentable over Chough in view of Schnegg et al. is respectfully traversed and reconsideration is respectfully requested.

Claims 2-4 and 6 include all of the elements of claim 1, as discussed above, and Chough fails to teach or suggest at least the features of independent claim 1 as recited above. Similarly, Schnegg et al. fails to cure the deficiency of Chough. Accordingly, Applicant respectfully submits the Examiner has failed to establish a *prima facie* case of obviousness regarding claims 2-4 and 6 in view of claim 1, as above.

Claim 11 is patentable over Chough in view of Schnegg et al. in that claim 11 recites a combination of elements including, for example, “an ultrasonic oscillator generating ultrasonic oscillator... located in the interior of the etching bath; and an indicator for displaying a temperature of the etching bath.” Neither Chough nor Schnegg et al., singly or in combination, teaches or suggests at least these features of the claimed invention. Accordingly, Applicant respectfully submits that claims 14-17, and 20, which depend from claim 11 are also patentable over Chough in view of Schnegg et al.

The rejection of claims 11 and 18 under 35 U.S.C. § 103(a) as being unpatentable over Wessells et al. in view of Schnegg et al. is respectfully traversed and reconsideration is respectfully requested.

Claim 11 is patentable over Wessells et al. in view of Schnegg et al. in that claim 11 recites a combination of elements including, for example, “an ultrasonic oscillator generating ultrasonic oscillator... located in the interior of the etching bath; and an indicator for displaying a temperature of the etching bath.” Neither Wessells et al. nor Schnegg et al., singly or in combination, teaches or suggests at least these features of the claimed invention.

The rejection of claims 5, 11-13, and 21 under 35 U.S.C. § 103(a) as being unpatentable over either Wessells et al. or Chough in view of Kanda is respectfully traversed and reconsideration is respectfully requested.

Claim 5 includes all of the elements of claim 1, as discussed above, and neither Chough nor Wessells et al. teaches or suggests at least the features of independent claim 1 as recited above. Similarly, Kanda fails to cure the deficiencies of Chough and Wessells et al. Accordingly, Applicant respectfully submits the Examiner has failed to establish a *prima facie* case of obviousness regarding claim 5 in view of claim 1, as above.

Claim 11 is patentable over either Wessells et al. or Chough in view of Kanda in that claim 11 recites a combination of elements including, for example, “an ultrasonic oscillator generating ultrasonic oscillator... located in the interior of the etching bath; and an indicator for displaying a temperature of the etching bath.” Neither Wessells et al., Chough, nor Kanda, singly or in combination, teaches or suggests at least these features of the claimed invention. Accordingly, Applicant submits that claims 12, 13, and 21, which depend from claim 11, are also allowable over the combination of either Wessells et al. or Chough in view of Kanda.

In rejecting claim 21, the Examiner appears to cite Kanda as teaching wherein the “processing [u]nit is provided with a indicator to display the temperature data.” Applicant respectfully submits, however that Kanda is silent as to any teaching or suggestion that the

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Docket No.: 8733.232.10-US

processing unit 47 includes any indicator capable of display any information. Moreover, Applicant respectfully submits Kanda is silent as to any teaching or suggestion with respect to an indicator for displaying a temperature of an etching bath as presently claimed.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

If the Examiner deems that a telephone conversation would further the prosecution of this application, the Examiner is invited to call the undersigned at (202) 496-7500.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

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Respectfully submitted,

By Valerie P. Hays ^{Reg. No.} 53,005
for Kurt M. Eaton
Registration No.: 51,640
MCKENNA LONG & ALDRIDGE LLP
1900 K Street, N.W.
Washington, DC 20006
(202) 496-7500
Attorney for Applicant